

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America

v.

Valentin Ortiz

Case No. 21-MJ-546

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2008- December 2010 in the county of Berks in the
Eastern District of Pennsylvania, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 2423(b)

Travel for the purpose of engaging in illicit sexual conduct

18 U.S.C. § 2423(c)

Engaging in illicit sexual conduct in foreign places

This criminal complaint is based on these facts:

See Attached Affidavit.

☐ Continued on the attached sheet.

s/ Kathryn I. Murray

Complainant's signature

HSI SA Kathryn I. Murray

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/23/2021

s/Richard A. Lloret

Judge's signature
City and state: Philadelphia, PA

Honorable Richard A. Lloret, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kathryn I. Murray, a Special Agent with the Department of Homeland Security, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I, Kathryn I. Murray, am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”), assigned to the Special Agent in Charge in Philadelphia, Pennsylvania. I have been so employed since August 2004. As part of duties as an HSI special agent, I investigate criminal violations pertaining to child exploitation, including the offense of traveling abroad for the purpose of engaging in illicit sexual conduct with a minor, in violation of 18 U.S.C. § 2423(b) and the offense of traveling in foreign commerce and engaging in illicit sexual conduct, in violation of 18 U.S.C. § 2423(c). I have also participated in the execution of numerous arrest and search warrants, a number of which involved child exploitation and/or child pornography offenses.

2. I make this affidavit in support of a criminal complaint and arrest warrant charging Valentin ORTIZ (DOB: June 10, 1948), of Reading, Pennsylvania, with violations of Title 18, United States Code, Sections 2423(b) (traveling for the purpose of engaging in illicit sexual conduct) and 2423(c) (engaging in illicit sexual conduct in foreign places).

3. This affidavit is based upon information I have gained from my investigation, my training and experience, as well as information received from others, including law enforcement officers. I have not included every fact known to me concerning this investigation, and, instead, I have submitted only those facts and circumstances that I believe are essential to establish the necessary foundation for the criminal complaint. This affidavit does not exhaust my knowledge or that of other agents of the facts and circumstances surrounding this investigation.

4. Title 18 U.S.C. § 2423(b) makes it a crime for a United States citizen to travel in foreign commerce for the purpose of engaging in illicit sexual conduct. Illicit sexual conduct is defined as a sexual act, as defined in § 2246, with a person under 18 years of age that would be in violation of chapter 109A. In order to establish this element, it is not necessary for the government to prove that engaging in illicit sexual conduct was the sole purpose for the travel.

5. Title 18 U.S.C. § 2423(c) makes it a crime for a United States citizen to travel in foreign commerce and engage in any illicit sexual conduct with another person. Illicit sexual conduct is defined as a sexual act, as defined in § 2246, with a person under 18 years of age that would be in violation of chapter 109A.

THE INVESTIGATION

6. In November 2020, the HSI Santo Domingo Office received a referral from the Regional Security Office and consular section regarding Valentin ORTIZ, a naturalized United States citizen who had filed an immigrant visa petition on June 6, 2018 for his wife, a citizen of the Dominican Republic, M.B.O. (DOB: May 6, 1995). ORTIZ, who listed his residence in Reading, Pennsylvania, submitted the form indicating that he married M.B.O. on August 24, 2013 in the Dominican Republic. ORTIZ's responses in the petition stated that ORTIZ and M.B.O., at the time of the filing of the petition, had been in a romantic relationship for 11 years and have two daughters in common, L.O.B. (DOB: November 18, 2009) and S.O.B. (DOB: September 7, 2011). During the interview with the consular section, it was revealed that M.B.O. was 14 years old when she gave birth to L.O.B. and 16 years old when she gave birth to S.O.B.

7. A search of international travel databases places ORTIZ in the Dominican Republic around the times both daughters were conceived. ORTIZ traveled to the Dominican Republic on December 15, 2008 on American Airlines flight 423 (Miami to Santo Domingo). The Government

believes that M.B.O. was impregnated by ORTIZ on or about February 2008 when she was 13 years and 9 months of age. ORTIZ departed the Dominican Republic on April 2, 2009. On November 18, 2009, ORTIZ and M.B.O.'s first daughter (L.O.B.) was born. ORTIZ traveled to the Dominican Republic on May 18, 2010 on Jet Blue flight 1735 (San Juan, Puerto Rico to Santo Domingo). The Government believes that M.B.O. was impregnated by ORTIZ on or about December 2010 when she was 15 years and 7 months of age. ORTIZ departed the Dominican Republic on March 23, 2011. On September 7, 2011, ORTIZ and M.B.O.'s second daughter (S.O.B.) was born.

8. On or about June 6, 2018, ORTIZ filed a Petition for Alien Relative (Form I-130) with the U.S. Citizenship and Immigration Services. ORTIZ stated in Part 1 of the form that he was filing the petition on behalf of his spouse. In Part 2 of the I-130, ORTIZ listed his current spouse as M.B.O. with August 24, 2013 as their date of their marriage. ORTIZ and M.B.O. were married in Nagua, Dominican Republic. ORTIZ listed L.O.B. (DOB: November 18, 2009) and S.O.B. (DOB: September 7, 2011) as his daughters.

9. Official birth certificates for both L.O.B. and S.O.B. were obtained from officials in the Dominican Republic. The birth certificates listed M.B.O. as the mother and ORTIZ as the father. Additionally, HSI obtained a marriage record from Dominican authorities dated August 24, 2013 for M.B.O. and ORTIZ, that listed their two children for the purpose of legitimizing them.

10. On March 10, 2021, ORTIZ and his daughter, S.O.B., departed the Dominican Republic on board JetBlue flight 1204 destined for Newark Liberty International Airport (EWR), located in Newark, New Jersey. On March 10, 2021, at approximately 4:40 p.m., Customs and Border Protection Officer (CBPO) Silva, along HSI Newark Agents and Task Force Officers, conducted an interview of ORTIZ as part of secondary inspection. Traveling with ORTIZ was

S.O.B., who ORTIZ confirmed was his daughter several times to CBPO Silva. ORTIZ stated he currently resides at 727 Moss Street, Reading, Pennsylvania with his late brother's widow as well as his nephew. ORTIZ stated that while in the Dominican Republic, he stayed with his mother. ORTIZ indicated he has ten children in the United States. In addition to those ten children, ORTIZ has two more daughters, S.O.B. and L.O.B., with his current wife, whom ORTIZ identified as M.B.O. ORTIZ stated that S.O.B. favors being around him, while L.O.B. seems to favor his wife, M.B.O. L.O.B. is currently in the Dominican Republic with her mother, his wife, M.B.O. ORTIZ stated that S.O.B. notified him that M.B.O. was having an extramarital affair, which led to a split between them. ORTIZ stated he is currently retired from employment.

11. Based on this evidence, HSI has sought the DNA of Valentin ORTIZ and the DNA of S.O.B., so that they can be compared to determine paternity. On March 23, 2021, the Honorable Richard A. Lloret, United States Magistrate Judge, issued a warrant to obtain oral secretion (epithelial cells) by rubbing cotton swabs against the inner cheek lining of ORTIZ's and S.O.B.'s mouth cavities for a DNA comparison.

12. On March 23, 2021, I interviewed Valentin ORTIZ at 139 South 8th Street in Reading, Pennsylvania. ORTIZ admitted that L.O.B. and S.O.B. are his biological children by way of his relationship with M.B.O. He also stated that while in the United States, he has lived in Reading, Pennsylvania for the last 21 years.

CONCLUSION

13. Based on the above, I believe probable cause exists that, on or about December 15, 2008, and on or about May 18, 2010, in the Eastern District of Pennsylvania, Valentin ORTIZ traveled out of the United States for the purpose of engaging in illicit sexual conduct (as defined in Title 18, United States Code, Section 2423(f)) with M.B.O, a person less than 16 years old, in

violation of Title 18, United States Code, Section 2423(b) and on or about February 2008 and December 2010, traveled in foreign commerce, and while in the Dominican Republic, engaged in illicit sexual conduct (as defined in Title 18, United States Code, Section 2423(f)), with M.B.O, a person less than 16 years old.

s/ Kathryn I. Murray
Kathryn I. Murray
Special Agent
Homeland Security Investigations

Sworn to and subscribed
before me this March 23, 2021.

s/ Richard A. Lloret
HONORABLE RICHARD A. LLORET
United States Magistrate Judge